



# Delaware Nutrient Management



## Meeting Minutes-January 3, 2017

### The Delaware Nutrient Management Commission

#### **In attendance:**

*Commission Members Present: Richard Sterling, Kenny Blessing, Lauren Hill, Bud O'Neill, Dave Baker, Scott Webb, Ken Horeis, Brenna Goggin, Robert Palmer, Jim Elliott, William Vanderwende*

*Ex-Officios Present: Chris Brosch, Ed Kee, Jennifer Singh, David Small*

*Commission Members Absent: Jessica Inhoff, Mark Adkins, Lisa McCormick*

*Others Present: Governor Jack Markell, Bob Coleman, Jessica Collins, Clint Gill, Aaron Givens, Brooke Walls, Wayne Hudson, Sydney Riggi, Terra Eby, Donna Doyle, Gary Killmon, Gerhard Maute, Eugene Maute, Harvey O. Thomas, Sr., Austin Short, Daniel Millman, Louise Millman*

***This meeting was properly notified and posted as required by law.***

#### **Special Announcement:**

Before the meeting, Governor Markell recognized the commission for its efforts since the formation in 1999. Governor Markell also recognized William Vanderwende for his efforts and bestowed upon him the Order of the First State.

#### **Call to Order/Welcome:**

Chairman Vanderwende called the meeting to order at 7:08 p.m., welcomed everyone in attendance, and reminded those seeking education credits to sign the sign-in sheet.

#### **Approval of Minutes:**

A motion was heard to approve the minutes of the Full Commission Meeting minutes of October 4, 2017. The minutes were approved.

#### **Discussion and Action Items:**

##### ***Staff Update – Chris Brosch***

- Clint Gill joined the staff in a full-time capacity as an Environmental Scientists 2 in late October.
- Aaron Givens began as a casual seasonal data scientist facilitating the CAFO permit coverage in early November. He is also currently completing his Masters' at the U of D.
- Terra Eby joined the U of D Extension team at roughly the same time, assisting Sydney Riggi in the coordination of the program's education and outreach.
- The administrative assistance position announcement closes today, at midnight. Applicants will be reviewed and interviews will begin following Delaware Ag Week. Donna Doyle was thanked by commission member Bud O'Neil

##### ***CAFO Update – Chris Brosch***

- The appeal on the General Permit was heard December 6, 2016 @ 9:00 @ the R & R Building. The appeal was rejected due to the standing of the appellants.
- The individual farm (from the first batch of public notice) had a hearing on November 2, 2016 from 6:00 pm to 6:50 pm @ the Ag Commodities Building at the fairgrounds in Harrington. Questions were brief, but far-reaching.
- Bob Haines served as the hearing officer; he has been the past CAFO hearing officer.
- The technical response memo is being drafted by DNREC, but only relevant questions will be given a technical response.
  - Jessica Collins informed the commission that we have 18 large permitted CAFO farms and 9 medium permitted CAFO farms. The next CAFO batch will be January 10, 2017, and will see the batching of 30 more medium CAFO farms. The commission was informed that DNREC and DDA will now be moving towards permitting farmers who also land apply.

***Questions:***

- Kenneth Blessing asked when the Technology committee would be involved with the next round of general permits pertaining to land application CAFOs and Chris Brosch responded that it has been delayed due to challenges and hearing, but the second General Permit is next in the queue and development should begin shortly.
- Secretary Kee asked everyone to remember that the institutional process and dialogue with EPA to develop the CAFO permit was a multi-year effort that is now coming to fruition.

***Litter Transport Recommendation response to Land and Litter Challenge – Chris Brosch***

- Current registration method for haulers/brokers meets expectations by requiring an on-site visit. Providers are subject to financial audit, thus keeping them accountable. Eligibility is applicant dependent and payment time is within the 30 day recommendation.
- Eligibility for the program is determined by specific identification of manure source and destination, farmer compliance with Nutrient Management laws, and on farm assessments. The program operates on a 1 or 3 year cycle of eligibility for farmers' certification according to NM law.
- An inspection rate of 20% is the established rate to maintain the efficacy of the relocation program. A record retention period of 6 years is required of all senders and is consistent with CAFO regulations. Additionally, we ask haulers to maintain this practice as well. Non-CAFO designated receivers are subject to a 5 year retention requirement.
- Secretary Kee gave a background on Land and Litter Challenge. He described the group as invested individuals as farmers, poultry representatives, environmental groups, river keepers, and Bay Foundation members, and is comprised mostly of Maryland individuals. The goal of the group is to work towards an amicable solution for manure handling and relocation across the Mid-Atlantic region, that possess some sort of uniform procedure in the region. The group's future involvement in Delaware manure relocation is unclear after the DDA's technical response to their comments.
- **Action:** Dave Baker moved to approve the drafted response letter that conforms to ideas presented. Motion was approved unanimously.

***Administrators Report – Chris Brosch and staff***

- **Budget:** Balances are on-track for a normal year. The Budget office requested a nominal decrease in our contractual line for next year, but an application has been made for an increase in the relocation budget. Stay tuned for that outcome.
  - On the Poultry Companies line, quarterly cost-share is coming in on-time. The current balance is correct and up-to-date
- **Complaints:** Bob said that the complaints were routine and valid. All complaints have been closed.
  - Bob visited the farms to ensure that CAFO and NM regulations were being followed. All were in compliance.
- **Inspections:** 69 CAFO & NM inspections have taken place this year. Brooke has digitized the inspection form and since her training we expect an increase in inspections in 2017. Nutrient Management will be on target with the 20% inspection rate goal.
- **Salesforce Database:** Problems related to reports and those to be mailed were resolved with substantial effort. Cover letter announcing release of soil test P data, approved by the Commission was included.
- **Annual Reports:** Due to logistical issues, we've issued reports in 2 batches. The first batch was approximately a thousand individuals with greater levels of historic compliance and communication. The second batch was approximately thirteen hundred individuals with incomplete or missing information. Nutrient Management issued approximately 15% more annual reports this year in an effort to work backwards from the responses to determine who needs to be labeled as an annual reporter.

***Questions:***

- Bill Vanderwende asked, "Do you have all the poultry companies contributing to cost share?" Chris Brosch responded, "All the companies are now contributing thanks to efforts from Secretary Kee and himself."

***Special Items***

Secretary Kee thanked the commission for its efforts over the last 20 years and their efforts while he has been the DDA Secretary. Bill Vanderwende also thanked the commission and state for developing a committee that has developed a model group for other organizations. Also, thanked Secretary Kee, David Small and Dave Baker for all their efforts, and their presence will be missed. David Small thanked the staff at DDA, the Nutrient Management Commission and U of D staff for their efforts while he has served as the DNREC Secretary.

**Next Meeting:** The next regular Full Commission meeting will be February 7, 2017 at 7:00 pm.

**Adjournment:** Chairman Vanderwende adjourned the meeting at 7:46 pm.

Approved,

B. Vanderwende, Chairman  
Delaware Nutrient Management Commission  
cfb